


Entered - 12/01/00 - sb
CL00L0717 - DIANNE C. MITCHELL

01-R-0177

CLAIM OF: **OLIVIA BOYCE**
Federal Correctional Institution
501 Capitol Circle, NE
Unit AN
Tallahassee, Florida 32301

For damages alleged to have been sustained as a result of the loss of
legal documents on July 7, 2000 at 236 Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0717

Date: January 25, 2001

Claimant /Victim OLIVIA BOYCE
BY: (Atty)(Ins. Co.) _____
Address: Federal Correctional Institution, 501 Capitol Circle, Unit AN, Tallahassee, Florida 32301
Subrogation: Claim for Property damage \$ 1,000.00 Bodily Injury \$ _____
Date of Notice: 11/14/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/07/00 Place: Federal Annex, 236 Peachtree Street
Department Corrections Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that certain legal documents were destroyed by employees in the Federal Annex facility and that those legal documents should have been forwarded to the federal prison where she was transferred. The investigation determined that the claimant failed to follow the proper procedures to make arrangements to have her property forwarded. The claimant was made aware of these procedures when she was booked into the facility. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

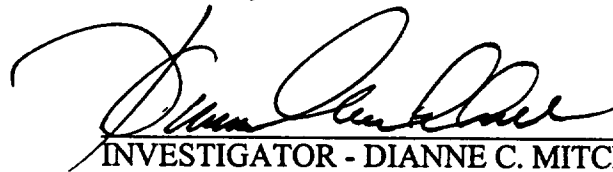
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

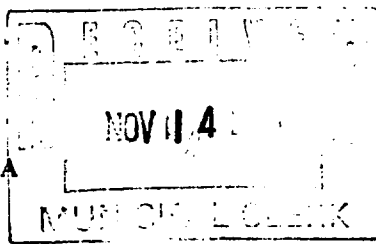
Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 01-25-01
Committee Action: _____ Council Action _____

DCM
11-28-00



COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10/26/00

11-14-00P01:03 RCVD

ENTERED- 12-1-00 - SB
00L0717 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,000 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 5/3/00, 7/7/00 2. Time of Incident: _____ 3. Police called: 11/11
(month/day/year) Yes No
4. Location of incident (including street address): ACHC Federal Annex
5. Name of your insurance company: NA Policy No. 1/1
6. State what and how incident occurred: See attached letters: 7/29/00, 9/12/00
10/30/00

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) NA (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

Olivia Bayne
(Print Claimant's Name)

Federal Correctional Institution
(Address)
501 Capital Cir, NE Unit AN
Tallahassee, FL 32301
(City, State and Zip Code)

850-8
(Work Number) (Home Number)

TO BE READ BY THOMAS POCOCK

October 30, 2000

Mitchell
11/28/00
City Council

Mr. Thomas J. Pocock, Commissioner
City of Atlanta Department of Corrections
254 Peachtree Street, SW
Atlanta, GA 30303

RE: COMPENSATION FOR NEGLIGENT DESTRUCTION OF LEGAL DOCUMENTS,
CLAIM FOR DAMAGES

Dear Mr. Pocock:

My allegations of negligence and misconduct by your staff of improperly destroying vital legal documents, which has furthered my continued incarceration, has not been satisfied by your bureaucratic excuses. Your staff, Officer Perez (and others present), did not provide me with any form -- apparently as they should have -- to effect the forwarding of legal documents he physically took possession of and responsibility for. I was directed to leave the documents, and write the name and address of the addressee on the envelope. These were the complete instructions which were followed as follows:

Mr. John Pritt, Case Manager
Federal Correctional Institution
501 Capital Circle, NE
Tallahassee, FL 32301

Any forms which were relevant should have been provided to me. It is not my place to question authority, nor should it be presumed that I am an expert in your processes.

YOU ARE INCORRECT. The US Marshals will transport inmates with their legal documents between county/city holding areas, and in certain instances directly to their federal facilities. The Marshal gave the option of taking my legal documents to Paulding County when Officer Perez offered to have them mailed for your Annex. My choice was to leave them with Officer Perez as I was familiar with him and as he assured both the Marshal and myself the documents would be mailed out that day. I was taken to your Intake counter, accompanied by the Marshal, and directed to write the forwarding information. I would have completed whatever forms or other requirements if directed to do so. These documents were not forgotten nor left inadvertently, thereby satisfying your premise of proper destruction. They were not forced upon your officer against his will, but freely left and received with the understanding they would be forwarded.

It is LUDICROUS for you to expect and require inmates to recall your policies accurately, and use such a basis to deny your negligence. Your responsibility is to provide proper and current policies and direction each time a process is to be completed.

You are well aware (or should be) that legal materials are handled differently from regular personal property, thus, your reference to a general notice allegedly posted is misleading. Legal material can be taken to attorney visits (even when non-attorneys are present, i.e., friends or family), is delivered and sent out unopened by Sergeants or Lieutenants, can be taken when transported to court or sent on Writ, can be taken to the library, and is not subject to regular search and seizure, etc. Other personal property and mail are exempt from these privileges.

For your information, your phone and mail logs should also show (this institutions's does) three other calls made to the Day Wath Supervisor Fluellen (may be misspelled) and Lt. Bell, and letters to Lt. Bell and Deputy Chief Lawson. I am sure these were inadvertently omitted (or conveniently not acknowledged) from your meticulous research of my complaint.

YOU ARE GROSSLY INCORRECT. I was an inmate in the Federal Annex on three separate occasions, not two. The first beginning on 8/18/98 for almost four weeks at which time the entire Pod was filled with so much cigarette smoke (including contraband tea cigarettes) I could barely breathe. I maintained nausea and bloodshot eyes during the entire stay. Telephones were regularly out-of-order, and I begged for a bible and other reading for over two weeks -- finally obtaining from another inmate.

✓ I was given hygiene products (palm-size comb; use-once, plastic toothbrush which was totally ineffective with braces; no toothpaste (no supply), and doll-size soap) on the third day. I received a change of clothes eight days later, never a pillow, froze from the air conditioning (forced to stay in my cell as protection against smoke) with one thin and tattered blanket, and showered in barely warm water on a grossly molded floor in bare feet. I used the same panties the entire time, washing them and going pantyless as necessary. I at least was fortunate to have a bra in contrast to women who were arrested with attire not requiring one. They were out of luck on both counts. I continuously haggled for days for sufficient toilet paper and sanitary pads. I recall bleeding through my clothes and washing them out with water only (as I had already used my ration of miniature, melt-away soap) then having to stay in my cell wrapped in a visibly washed-out stained towel and sheet (obviously others had had similar problems). I was fed cold,

repetitious, uncooked, and rancid meals. Requests for medical attention were without results.

On the second occasion (10/5/98 - 4/20/99) some procedures and conditions had changed but were still far from humane. Your records should reflect that it was I who contacted the US Marshal Service in an urgent (and what should have been confidential) appeal about the mistreatment of inmates, insect and infestation, lack of medical attention, unsanitary and unsafe conditions (including officers inciting and watching inmate fights), vulgarities etched on walls, male inmates allowed to enter female cells at night, and the horrendous food -- among other well founded complaints.

It was I that your officers cleverly retaliated against by segregating me in a dark cell, at which time I could not eat for fear for my life. Segregation was deemed necessary, according to your staff, for my safety as they could not guarantee against harm from inmates or staff (per Lt. Bell). I was to be transferred to Jessup, GA to avoid further complaints to the US Marshal Service. Three days later, I was threatened and forced to sign a statement relinquishing officers from responsibility for any harm caused in my return to population. I was denied access to my attorney and contact with any outside agencies for assistance.

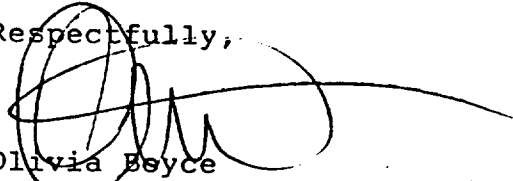
On the third occasion (3/1/00 - 5/3/00) procedures had changed (and improved). This included the reassignment of some of the most abusive officers. Although, arbitrary and extended lock-downs continued for reasons such as an inmate's calm and correct complaint of cold or rancid food. Improvements did not include erroneously waking inmates at 5:00am and taking them to the doctor only to find the wrong inmate had been taken. Other procedural changes included change of clothing and bedding (more, on specific days, by signature, and sent out), dispensing of toilet paper and toiletries (weekly, cell-to-cell, by signature), a non-smoking area (with smokers and non-smokers grouped by cells), daily library visits (previously weekly, if at all), receipt and use of hair relaxers, use of electrical hair care apparatus in the Pod (previously only in a separate, designated "Barber Shop"), earlier release after afternoon lock-down, dispensing of more practical hygiene items (including panties and bras) upon request to Inmate Services, where to line up for meals and order of distributing vegetarian vs. regular food trays, and other. It was never assumed I knew procedures because of any previous stay at the Annex. I was specifically informed/instructed on each occasion.

On the other hand, admittedly and following your reasoning, I presumed I knew certain policies from previous experience and suffered the consequences (as your staff would take no responsibility). Upon having street clothing sent in for my court

appearance, pantyhose and high-heeled shoes were returned because your POLICIES HAD CHANGED! These very items were contrary to current policy although they were the very same items I had previous received and used for court. Of oourse, these items were clearly described/listed for your officers (and presumably presented to the Captain) for approval. Despite stated approval, the items were denied, causing great inconvenience and cost to my family, and confusion for your staff. The result of my following your premise of prior knowledge (and the usual lack of proper oversight by your staff) was a court appearance in a very shiek black suit, white socks and bright green, disposable, cloth slip-ons. Considering the facts Mr. Pocock, DON'T YOU DARE TELL ME ABOUT POLICIES I SHOULD HAVE MEMORIZED NOR HYGIENE PRODUCTS YOU THINK I RECIEVED!

My complaint should be an opportunity and signal to take damn responsibility for your deficiencies and work to improve on them. I seek \$1,000 for your staff's negligence and gross misconduct.

Respectfully,



Olivia Boyce
Reg. No. 48469-019, Unit AN
Federal Correctional Institution
501 Capital Circle, NE
Tallahassee, FL 32301

Att.

01-R-0177